REMARKS

Claims 1-4, 6, 7, 9, 12, 14-17, 19, 20, 22, 25 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated over Murayama et al. US Patent 6,423,085 B1. Applicants respectfully traverse.

Applicants are claiming a relatively rigid stent for placement in a body lumen that, upon placement in the body, softens into a flexible state such that it may be passed or removed easily from the body. The stent is a helical structure having a plurality of coils having a pitch. The stent is made from a filament having a cross-section and an outer surface. The filament comprises a soft, flexible elongated member having an outer surface and a bioabsorbable or biodegradable polymeric coating on the outer surface. The coating must have sufficient mechanical integrity to effectively maintain the flexible member in a relatively rigid helical configuration, and also must be degraded or absorbed in vivo in order to convert the helical structure back into a soft, elongated member.

Murayama discloses biodegradable polymer coils for intraluminal implants, in particular for occlusion of vessels or aneurysms. More particularly, Murayana discloses intravasular devices that modify either accelerating or decreasing biological cellular response (Col. 3, ll 23-25). In one embodiment, the coil is composed of a biocompatible and absorbable polymer or protein. A radio-opaque material then is disposed on the coil. Alternately, the coil is composed of a radio-opaque material. A biocompatible and absorbable polymer or protein then is disposed on the coil. (Col. 3, ll. 49-55). The device must be radio-opaque. Where the coil is made of the bioabsorbable polymer, the radio-opaque material disposed thereon may be, e.g. tantalum or platinum. (Col. 4, ll. 35-37). In fact, Murayama only discloses a device where, when the coil is made from an absorbable polymer, a radio-opaque material is disposed thereon. Where the coil comprises a bioabsorbable coating wrapped around, the coil is a radio-opaque wire, e.g. platinum or nitinol.

The standard for anticipation is on of strict identity. Applicants respectfully submit that Murayama fails to disclose or suggest a stent that comprises a relatively rigid helical structure made from a filament that initially is soft and flexible, and that upon placement in the body again becomes soft and flexible. Murayama further fails to disclose such a filament that has been coated with a polymer such that the polymer coating maintains the soft member in the relatively rigid helical structure and then degrades upon placement in the body such that the filament returns to its flexible state

for easy passing or removal. As Murayama fails to disclose each element of the claim, Applicants respectfully submit that Murayama cannot anticipate any of the claims of the present invention.

Based on all of the foregoing, Applicants respectfully submit that Murayama fails to anticipate any of the pending claims and earnestly requests that the rejection of the claims under 35 U.S.C. 102(e) be withdrawn.

Claims 5, 8, 10, 11, 13, 18, 21, 23, 24 and 26 are rejected under 35 U.S.C. 103(a) over Murayama in view of D'Alessio, US 5,674,286. Applicants respectfully traverse.

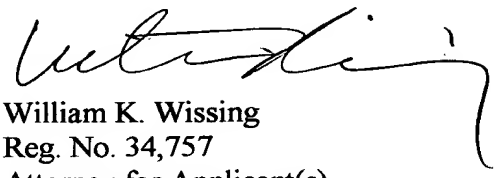
Initially, Applicants respectfully submit that to modify Murayama as the Examiner has suggested, such that Murayama might disclose a coil made of a biodegradable polymer and also having a polymeric coating on the surface of the polymer coil, is against the strict teaching of Murayama and would render Murayama inoperative for its intended use, in that such a device would not be opaque, a requirement of Murayama. As noted above, where the coil itself is radio-opaque, it is a metal wire made from, e.g. platinum or nitinol and is coated with a polymer. As such, the coil could not go from a relatively rigid state to a soft, flexible state once placed in the body.

D'Alessio is directed to reinforced composite materials for use in, e.g. healing of fractured bones. Initially, Applicants respectfully submit that such materials are not suitable for placement in a body lumen and do not constitute relevant prior art with respect to either the present application or Murayama. As such, Applicants respectfully submit that the application of D'Allesio is improper. In addition, D'Alessio fails to cure any of the noted deficiencies of Murayama as noted above.

Accordingly, Applicants respectfully submit that Murayama in view of D'Alessio fail to render obvious any of the claims of the application and Applicants respectfully request that the rejection of the claims under 35 U.S.C. 103(a) be withdrawn.

Based on all of the foregoing, Applicants respectfully request that all claims pending are patentable and earnestly request a Notice of Allowance to that affect.

Respectfully submitted,



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